

1 PAUL S. HUDSON (pro hoc vice)  
2 LAW OFFICES OF PAUL S. HUDSON P.C.  
3 4411 Bee Ridge Road #274.  
4 Sarasota, Florida 34233  
5 Telephone: 410-940-8934 941-349-1947  
6 Facsimile: 240-391-1923  
7 pshudson@yahoo.com

4 DAVID G. RAMOS (Bar No. 116456)  
5 LAW OFFICES OF DAVID G. RAMOS  
6 3266 Villa Lane  
7 Napa, California 94558  
8 Telephone: 707-255-1700  
9 Facsimile: 707-255-3660

8 Attorneys for Plaintiff KATHLEEN HANNI.  
9 Individually and on behalf of all others similarly situated

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION  
13

14 KATHLEEN HANNI, individually and on  
15 behalf of all others similarly situated, No. C08-00732 CW

16 Plaintiff,

17 v.

18 AMERICAN AIRLINES, INC.; and DOES  
19 1 through 20, inclusive,

20 Defendants.

DECLARATION OF PAUL S. HUDSON IN  
OPPOSITION TO MOTION TO MOTION TO  
DISMISS FIRST AMENDED COMPLAINT

21 I, Paul S. Hudson, hereby declares:

22 1. I am an attorney for plaintiff in the subject action and make this declaration  
23 in opposition to a motion to dismiss the plaintiff's First Amended Complaint. I have personal  
24 knowledge of the matters set forth in this declaration, except for those facts that are alleged  
25 on information and belief, and as to those facts, I believe them to be true. I could and would  
26 testify competently thereto if called as a witness.

27 2. On June 17<sup>th</sup>, 2008, I advised Defendant's counsel Michael Powell (pro hac  
28 vice), Stephen Kaus and Jie-Ming Chou that their motion to dismiss the First Amended

1 Complaint contained an impermissible motion for reconsideration without leave of the court  
2 and was in violation of Local Rule 7-9, and requested that they withdraw their motion and file  
3 an answer. On the same day I received an email from Attorney Powell declining to withdraw  
4 their motion and stating that they did not believe they were in violation of the Local Rule. A  
5 copy of this email is affixed hereto as Exhibit A.

6 3. The Plaintiff has been in touch with various persons with knowledge of  
7 Defendant's operations and intends to show in discovery that the Defendant AA operations  
8 and other personnel perpetrated a scheme to deceive and defraud Plaintiff and others  
9 similarly situated with false statements for theirs and Defendant's pecuniary gain at the  
10 expense of its diverted and confined passengers on December 29<sup>th</sup>, 2006, and that such  
11 scheme represented a pattern of misconduct and fraud used by Defendant when faced with  
12 weather emergencies or other conditions requiring diversions of aircraft and excessive  
13 delays.

14 4. On or about April 18<sup>th</sup>, 2008, in a telephone conference with Defendant  
15 Attorneys Michael Powell, Stephen Kaus, and Jie-Ming Chou, myself and David Ramos as  
16 attorneys for Plaintiff, I requested that Rule 26 a I disclosures commence but attorneys for  
17 Defendants declined.

18 5. I have good cause to believe that on December 29<sup>th</sup>, 2006 there was no  
19 FAA Air Traffic Control orders or involvement or responsibility for the confinement of Plaintiff  
20 and others similarly situated for 3 to 10 hours or more on the ground. The basis for this  
21 belief is that on April 17<sup>th</sup>, 2008, at an DOT Aviation Consumer Forum held in Miami, Florida I  
22 questioned Douglas Molin, FAA Director of Tactical Operations, Eastern Area on the  
23 involvement and roll of FAA in lengthy tarmac confinements at a public forum, and he stated  
24 that there is normally no involvement and these are matters of decision by the airlines. Also I  
25 was advised yesterday that Plaintiff had the same conversation with Bob Everson, FAA  
26 Director of Operations for Great Lakes Area, on or about June 17<sup>th</sup>, 2008 and he gave the  
27 same answers.  
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I declare under penalty of perjury that the foregoing is true and correct, and that  
this declaration was executed on June 19, 2008, in Sarasota, Florida.

  
\_\_\_\_\_  
Paul S. Hudson



06/19/2008 19:10 941--955-1238

FEDEX KINKO'S 5898

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From: Powell, Michael V. <mpowell@lockelord.com>

Sent: Tuesday, June 17, 2008 2:44 PM

To: "Globe Trotter" <globetrotter1947@hotmail.com>, <skaus@cwclaw.com>, <jchou@cwclaw.com>

CC: <barram@i-cafe.net>, "Treni, Pamela R." <ptroni@lockelord.com>

Subject: RE: Hanni v AA

AA class a... | Inbox

Paul, none of us thinks we are in violation of the local rules. We have moved to dismiss your amended complaint. American Airlines will not withdraw its motion to dismiss. You should respond to it on the merits in accordance with the briefing schedule the Court set. Mike Powell.

Michael V. Powell | Partner | Locke Lord Bissell & Liddell LLP | 2200 Ross Avenue, Suite 2200 | Dallas, Texas 75201-6776 | tel: 214.740.8520 | cell: 214.207.5498 | direct fax: 214.756.8520 | email: mpowell@lockelord.com

website: www.lockelord.com

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-----Original Message-----

From: Globe Trotter [mailto:globetrotter1947@hotmail.com]  
Sent: Tuesday, June 17, 2008 8:43 AM  
To: Powell, Michael V.; skaus@cwclaw.com; jchou@cwclaw.com  
Cc: barram@i-cafe.net  
Subject: Hanni v AA

Please see attached letter.



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